

REMARKS

Claims 19-38 are pending in the application, of which Claims 19, 22 and 23 are written in independent form. Claims 19-38 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 20, 22, 24, 26, 29-32, 36 and 37 are objected to based on informalities. Claims 22 and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by Wells et al. (U.S. Patent 6,078,820). Claims 19-21, 23-32, 34, 35 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Discolo et al. (U.S. PGPUB 2001/0054072) in view of Wells. Claims 36 and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Discolo in view of Wells and further in view of Cronin (U.S. PGPUB 2003/0100336).

Please amend Claims 19, 20, 22-24, 27-30 and 32-37 as set forth herein. Please cancel Claim 26 without prejudice. No new matter has been added.

It is respectfully noted that on October 21, 2009 Applicants' representative conducted a telephonic interview with the Examiner to discuss the §101 and certain issues related to the art rejections. The results of the interview are set forth herein.

Regarding the rejection of Claims 19-38 under §101, the Examiner alleges that Claims 19, 22 and 23 do not fall within one of the four statutory categories of invention. Claims 19, 22 and 23 have been amended to include statutory structure.

Based on at least the foregoing, withdrawal of the rejection of Claims 19-38 under §101 is respectfully requested.

Regarding the objections to Claims 20, 22, 24, 26, 29-32, 36 and 37, the Examiner is

requesting that several informal errors be corrected. Claims 20, 22, 24, 26, 29-32, 36 and 37 have been amended herein to address these issues. In addition, additional minor corrections to Claims 33-35 have also been made herein.

Based on at least the foregoing, withdrawal of the objection to Claims 20, 22, 24, 26, 29-32, 36 and 37 is respectfully requested.

Regarding the rejection of independent Claim 22 under §102(b), the Examiner alleges that Wells teaches each and every feature of the claims. Wells discloses real-time SMS application messaging using an SMSC-linked server.

The Examiner conceded that only that part of the claim that recites a common SMS was examined. Thus, based on the amendments to the claim, the rejections will need to be withdrawn as Wells does not teach or disclose a schedule-recordable SMS message as recited in Claim 22 of the present application.

The Examiner alleges that converting a data format of the received SMS message into a format recordable in a scheduler as recited in Claim 22 is anticipated by Wells. However, the DESC-encoded SMS message of Wells is encoded in the DESC format and includes appointment information. Further, in col. 15, line 56-col. 16, line 9, Wells discloses sending the DESC-encoded SMS messages from the PMC/WWW server to a mobile station at a time corresponding to the Alert time, and saving appointment information in the mobile station. That is, the DESC-encoded SMS message of Wells is merely obtained by encoding appointment information and is included in the SMS message, but does not correspond to the SMS message converted into a format recordable in a scheduler as recited in the claims of the present application.

Further, Wells merely discloses saving the appointment information, but does not

disclose converting the DESC-encoded SMS message into a format recordable in a scheduler as recited in the claims of the present application.

Based on at least the foregoing, withdrawal of the rejection of Claim 22 under §102(b) is respectfully requested.

Regarding the rejection of independent Claims 19 and 23 under §103(a), the Examiner alleges that Discolo in view of Wells renders the claim unpatentable. Discolo discloses generating meeting requests and group scheduling from a mobile device.

Claims 19 and 23 recite, in part, that the data format of the schedule is converted into a data format of a schedule-recordable SMS message. The Examiner alleges that Wells teaches these features. Applicants respectfully disagree.

Wells discloses that information is sent using an SMS message. No conversion is taught or disclosed by Wells. Further Wells does not teach or disclose that its SMS messages are schedule-recordable SMS messages.

The Examiner alleges that Wells discloses converting a data format of the schedule into a format of a schedule-recordable SMS message as recited in the claims of the present application.

In col. 15, lines 56-67 and col. 16, lines 10-18, Wells discloses that the appointment information is sent to the PMC/WWW server using a DESC-encoded SMS message, and the mobile station receiving the DESC-encoded message displays a suitable message. That is, Wells merely discloses displaying a message after receiving the DESC-encoded SMS message including the appointment information on mobile station, but does not disclose converting a data format of the schedule into a data format of a schedule-recordable SMS message as recited in the

claims of the present application.

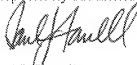
Further, Wells discloses that the mobile station stores the appointment information in the master appointment data base, which merely means storing data, not recording the SMS message as a schedule in a scheduler as recited in the claims of the present application.

Based on at least the foregoing, withdrawal of the rejection of Claims 19 and 23 under §103(a) is respectfully requested.

Independent Claims 19, 22 and 23 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 20, 21, 24, 25 and 27-38, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 20, 21, 24, 25 and 27-38, is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 19-25 and 27-38, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicants

THE FARRELL LAW FIRM
290 Broadhollow Road, Suite 210 E
Melville, New York 11747
Tel: (516) 228-3565
Fax: (516) 228-8475